

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OMAR SHARRIEFF GAY,

Plaintiff,

v.

MATTHEW CATE, Director; A.
HEDGEPEETH, Warden; J. WALKER;
Chief Health Program Manager; K. WALL,
Health Care Manager; M. SEPULVEDA,
Chief Medical Officer; DR. D. JARDINI;

Defendants.

No. C 10-1314 WHA (PR)

**ORDER PROVIDING PLAINTIFF
NOTICE AND WARNING;
SCHEDULING BRIEFING**

Plaintiff, a California prisoner pro se, filed this civil rights action under 42 U.S.C. 1983. Defendants have filed a motion to dismiss in which they argue that plaintiff's claims are not exhausted as required by 42 U.S.C. 1997e. Pursuant to *Woods v. Carey*, No. 09-15548, slip op. 7871, 7884-85 (9th Cir. July 6, 2012), plaintiff is given the following notice and warning for a second time:

If defendants file an unenumerated motion to dismiss for failure to exhaust, they are seeking to have your case dismissed. If the motion is granted it will end your case.

You have the right to present any evidence you may have which tends to show that you did exhaust your administrative remedies. Such evidence may be in

1 the form of declarations (statements signed under penalty of perjury) or
2 authenticated documents, that is, documents accompanied by a declaration
3 showing where they came from and why they are authentic, or other sworn papers,
4 such as answers to interrogatories or depositions.

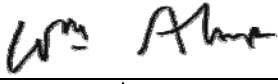
5 If defendants file a motion to dismiss and it is granted, your case will
6 be dismissed and there will be no trial.

7 *See also Wyatt v. Terhune*, 315 F.3d 1108, 1120 n. 4 (9th Cir. 2003).

8 Plaintiff may supplement his opposition to defendants' motion on or before **August 1,**
9 **2012.** Defendants **shall** file a supplemental reply brief within **7 days** of the date any
10 supplemental opposition is filed. If plaintiff does not supplement his opposition, defendants'
11 motion will be decided on the papers that have already been filed.

12 **IT IS SO ORDERED.**

13 Dated: July 10, 2012.

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15 _____
16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE

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